California Regional Water Quality Control Board
North Coast Region

Order No. R1 – 2000-70
NPDES PERMIT NO. CA0005886
I.D. NO. 1B800540MEN

WASTE DISCHARGE REQUIREMENTS

for

MENDOCINO FOREST PRODUCTS COMPANY, LLC
FORT BRAGG SAWMILL
32600 HOLQUIST LANE
FORT BRAGG, CALIFORNIA

Mendocino County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. The Mendocino Forest Products Company, LLC (hereinafter permittee) submitted a Report of Waste Discharge dated October 21, 1999, and applied for renewal of its Permit to discharge storm water under the National Pollutant Discharge Elimination System (NPDES) from its sawmill located in Fort Bragg, California.

2. The permittee owns and operates a sawmill at 32600 Holquist Lane in Fort Bragg, California (hereafter, the site), Latitude 39° 22′ 48″, Longitude 123° 48′ 18″, as shown on Figure 1, incorporated herein and made part of this Board Order. The site is located 1½ miles south of Fort Bragg at the intersection of Gibney and Holquist Lanes and occupies an area of approximately 45 acres.

   The site is used for lumber manufacturing and storage facilities, including a log yard, sawmill, planer mill, lumber storage, and vehicle maintenance shop. Approximately 25 percent of the site is paved and impervious to storm water. The materials handled in significant quantities at this site include logs, lumber, mill by-products (chips, sawdust), and petroleum products used for the fueling and maintenance of vehicles and equipment. Surface water runoff at this site discharges to Bromley Creek, a coastal tributary, and unnamed tributaries. Storm water discharging from the mill operations is subject to the Clean Water Act and requires regulation through a National Pollutant Discharge Elimination System permit.

   A septic tank and leachfield system is used to dispose of the domestic waste water generated at the site.

3. Groundwater at the site has been contaminated with fuels, solvents, and wood treatment chemicals. The constituents detected in groundwater samples include gasoline, diesel, chlorinated hydrocarbons, pentachlorophenol and tetrachlorophenol. Similar constituents were detected in domestic wells located at neighboring properties adjacent to the site. In 1992, eight well-head water treatment systems were installed on private wells located in the vicinity of the site. The well-head treatment systems are monitored quarterly.

4. The permittee installed a Funnel and Gate treatment system to remove low levels of wood treatment chemicals, volatile organic compounds, and petroleum hydrocarbons from groundwater. The Funnel and Gate treatment includes the following: an impermeable barrier (or Funnel) approximately 700 feet long; collection galleries; four carbon absorption treatment units (or Gates); and distribution galleries following treatment. Groundwater is collected in the galleries located upgradient of the barrier wall, funneled through carbon gates and through the wall, and then distributed on the west side of the barrier wall. The carbon absorption treatment system is capable of removing petroleum, solvent, and wood treatment chemical contaminants from the groundwater such that the effluent will not contain detectable levels of the constituents of concern. The treatment system is designed to minimize effects to groundwater quantities available to the adjacent properties for domestic use. Groundwater is monitored through monitoring wells located on the site and at the Gates. Groundwater from the domestic water wells is also monitored. The location of the domestic and monitoring wells is depicted on Figure 2, incorporated herein and made part of this Board Order. The location of the groundwater treatment system is depicted on Figure 3, incorporated herein and made part of this Board Order.

5. These Waste Discharge Requirements regulate waste treatment and disposal including storm water discharges from the facility and the operation of the Funnel and Gate groundwater treatment system.

6. This facility is a minor discharger as defined by the U.S. Environmental Protection Agency (U.S. EPA).

7. The Water Quality Control Plan for the North Coast Region (Basin Plan) includes water quality objectives, implementation plans for point source and nonpoint source discharges, prohibitions, and statewide plans and policies.

8. The water quality objectives for the constituents of concern in areal groundwater are as follows:

Constituent	Water Quality Objective (µg/L)	Background Level[1] (µg/L)	Citation
Pentachlorophenol	1.0[2]	< 0.2	CalDHS primary MCL
Tetrachlorophenol	1.0	< 0.2	USEPA taste and odor threshold, USEPA Gold Book
Benzene	1.0	< 0.5	CalDHS primary MCL
Toluene	42	< 0.5	USEPA taste and odor threshold, Federal Register 54(97):22064-22138
Xylenes	17	< 0.5	USEPA taste and odor threshold, Federal Register 54(97):22064-22138
Ethylbenzene	29	< 0.5	USEPA taste and odor threshold, Federal Register 54(97):22064-22138
Gasoline	50	<50	Taste and odor threshold is 5 µg/L, but detection limit is 50 µg/L and is controlling
Diesel	56	<50	USEPA health advisory, September 4, 1992
1,2-Dichloroethane	0.5[3]	< 0.5	CalDHS primary MCL
Trichloroethylene	5[4]	< 0.5	CalDHS primary MCL
Tetrachloroethylene	5	< 0.5	CalDHS primary MCL
1,4-Dichlorobenzene	5	< 0.5	CalDHS primary MCL

[1] Background concentrations of the constituents of concern are below their respective minimum detection levels.
[2] The California Office of Environmental Health Hazard Assessment (OEHHA) Public Health Goal (PHG) for pentachlorophenol in drinking water is 0.4 µg/L.
[3] The OEHHA PHG for 1,2-dichloroethane in drinking water is 0.4 µg/L.
[4] The OEHHA PHG for trichloroethylene in drinking water is 0.8 µg/L.

trans-1,2-Dichloroethylene	10	< 0.5	CalDHS primary MCL
cis-1,2-Dichloroethylene	6	< 0.5	CalDHS primary MCL
Methyl ethyl ketone	170	< 0.5	USEPA "Health Advisories for 25 Organics," 1997
1,2-Dichloropropane	5[5]	< 0.5	CalDHS primary MCL
Dichloromethane (methylene chloride)	5	< 0.5	CalDHS primary MCL
Carbon tetrachloride	0.5	< 0.5	CalDHS primary MCL

9. The Basin Plan contains a narrative objective (standard) for toxicity that requires:

   All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassay of appropriate duration or other appropriate methods as specified by the Regional Water Board.

   The survival of aquatic life in surface waters subjected to a waste discharge, or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge, or when necessary for other control water that is consistent with the requirements for "experimental water" as described in "Standard Methods for the Examination of Water and Wastewater" 20th Edition (1999). As a minimum, compliance with this objective as stated in the previous sentence shall be evaluated with a 96-hour bioassay.

   In addition, effluent limits based upon acute bioassays of effluent will be prescribed. Where appropriate, additional numerical receiving water objectives for specific toxicants will be established as sufficient data become available, and source control of toxic substances will be encouraged.

10. This facility has storm water discharges associated with industrial activities, category "ii" as defined in 40 CFR Section 122.26(b)(14). The permittee

[5] The OEHHA PHG for 1,2-dichloropropane is 0.5 µg/L.

described storm water discharges, appropriate pollutant prevention practices, and best management practices in a completed Notice of Intent (NOI) submitted and received by the State Water Resources Control Board (State Water Board) on April 7, 1992, pursuant to the Statewide General Permit Program. The NOI describes storm water discharges from the facility that are diverted to sediment traps prior to discharging into Bromley Creek. Because storm water discharges from the facility are regulated under this individual permit, coverage under the General Permit Program is no longer necessary.

11. The permittee has prepared a Storm Water Pollution Prevention Plan (SWPP Plan) and has implemented the provisions of the SWPP Plan. The SWPP Plan includes source identification, practices to reduce or eliminate pollutant discharge to storm water, an assessment of potential pollutant sources, a materials inventory, a preventative maintenance program, spill prevention and response procedures, general storm water management practices, employee training, recordkeeping, and elimination on non-storm water discharges to the storm water system. It also includes a storm water monitoring plan to verify the effectiveness of the SWPP Plan.

12. Due to the large number of storm water discharges and the complex nature of storm water discharges, it is not feasible at this time to establish numerical storm water discharge effluent limits for those facilities which are not covered in 40 CFR Subchapter N. Instead, implementation of the provisions of this Permit constitutes compliance with BAT/BCT requirements (Best Available Technology Economically Achievable (BAT) for toxic and non-conventional pollutants and Best Conventional Pollutant Control Technology (BCT) for conventional pollutants) and requirements to achieve water quality standards. Best Management Practices (BMPs) to control and abate the discharge of pollutants in storm water are authorized where numeric effluent limits are infeasible and the BMPs are reasonably necessary to achieve compliance with effluent limitations or water quality standards.

13. The beneficial uses and potential beneficial uses of Bromley Creek, a coastal tributary, and unnamed tributaries include:

    a. municipal and domestic supply
    b. agricultural supply
    c. industrial service supply
    d. groundwater recharge
    e. water contact recreation
    f. non-contact water recreation
    g. commercial and sport fishing
    h. cold freshwater habitat
    i. wildlife habitat
    j. migration of aquatic organisms

k. spawning, reproduction, and/or early development
l. estuarine habitat
m. aquaculture

14. Beneficial uses of areal groundwaters include:

    a. domestic water supply
    b. agricultural water supply
    c. industrial service supply

15. Effluent limitation, and toxic and pretreatment effluent standards established pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, 307, and 403 (if an ocean discharge) of the Clean Water Act and amendments thereto are applicable to the permittee.

16. The permitted discharge is consistent with the antidegradation provision of 40 CFR 131.12 and State Water Resources Control Board Resolution No. 68-16. The impact on existing water quality will be insignificant.

17. The permittee is presently governed by Waste Discharge Requirements Order No. 95-12, adopted by the Regional Water Board on April 27, 1995.

18. The action to renew an NPDES Permit is exempt from Chapter 3 of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., in accordance with Section 13389 of the California Water Code, and is also exempt from CEQA pursuant to Title 14, California Code of regulations, Section 15301, as an existing facility.

19. The Regional Water Board has notified the permittee and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations.

20. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

21. This Order will serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Clean Water Act, or amendments thereto, and will take effect upon adoption by the Regional Water Board.

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. 95-12 is rescinded and the permittee, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. The discharge of any waste not specifically regulated by this Permit is prohibited.

2. Materials and discharges not specifically regulated by this Permit that discharge either directly or indirectly to waters of the State are prohibited.

3. The discharge of non-storm water to Bromley Creek or its tributaries is prohibited. Non-storm water discharge means any discharge that is not composed entirely of storm water.

4. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited.

5. The discharge of domestic waste, treated or untreated, to surface waters is prohibited.

6. The discharge of wood treatment chemicals or stain control fungicides to surface water or groundwater is prohibited.

7. The discharge of woody debris is prohibited. For purposes of this prohibition, woody debris is defined as bark, twigs, branches, or wood chips which will not pass through a one inch diameter round opening.

8. The discharge of waste to land that is not under the control of the permittee is prohibited, except as authorized under C. Solids Disposal.

9. The discharge of groundwater with detectable levels of wood treatment chemicals, volatile organic compounds, or petroleum hydrocarbons through the "Gates" described in Finding 4 is prohibited.

10. The discharge of untreated groundwater from anywhere within the collection and treatment system is prohibited.

B. RECEIVING WATER LIMITATIONS

1. The storm water discharge shall not cause the dissolved oxygen concentration of the receiving waters to be depleted below 7.0 mg/l. In the event that the receiving waters are determined to have dissolved oxygen concentration of less than 7.0 mg/l, the discharge shall not deplete the dissolved oxygen concentration below the existing level.

2. The storm water discharge shall not cause the pH of the receiving waters to be depressed below 6.5 nor raised above 8.5. Within this range, the storm water discharge shall not cause the pH of the receiving waters to be changed at any time by more than 0.5 units from that which occurs naturally.

3. The storm water discharge shall not cause the turbidity of the receiving waters to be increased by more than 20 percent above naturally occurring background levels.

4. The storm water discharge shall not cause the receiving waters to contain floating materials, including solids, liquids, foams, and scum, in concentrations that may cause nuisance or adversely affect beneficial uses.

5. The storm water discharge shall not cause the receiving waters to contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, that cause nuisance, or that adversely affect beneficial uses.

6. The storm water discharge of waste shall not cause esthetically undesirable discoloration of the receiving waters.

7. The storm water discharge shall not cause bottom deposits in the receiving waters to the extent that such deposits cause nuisance or adversely affect beneficial uses.

8. The storm water discharge shall not contain concentrations of biostimulants which promote objectionable aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses of the receiving waters.

9. The storm water discharge shall not cause the receiving waters to contain toxic substances in concentrations that are toxic to, degrade, or that produce detrimental physiological responses in humans or animals or cause acute or chronic toxicity in plants or aquatic life.

10. The storm water discharge shall not cause a measurable temperature change in the receiving waters.

11. The storm water discharge shall not cause bioaccumulation of pesticide, fungicide, wood treatment chemical, or other toxic pollutant concentrations in bottom sediments or aquatic life to levels which are harmful to human health.

12. The storm water discharge shall not cause the receiving waters to contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water that cause nuisance or that otherwise adversely affect beneficial uses.

13. This storm water discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board as required by the Clean Water Act, and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Clean Water Act, or amendments thereto, the Regional Water Board will revise and modify this Permit in accordance with such more stringent standards.

14. The storm water discharge shall not cause concentrations of contaminants to occur at levels which are harmful to human health in waters which are existing or potential sources of drinking water.

15. The storm water discharge shall not cause concentrations of toxic pollutants in the water column, sediments, or biota that adversely affect beneficial uses.

16. The storm water discharge shall not cause acute nor chronic toxicity in the receiving waters.

C. SOLIDS DISPOSAL

1. This Permit does not authorize waste discharge to land. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of at a solid waste facility for which waste discharge requirements have been prescribed by a Regional Water Board. The permittee shall submit a separate report of waste discharge in accordance with the provisions of Division 7 of the California Water Code prior to storage or treatment of woodwaste at this facility. For purpose of this provision:

    a. "Woodwaste" includes bark, rock, and/or soil from the surface or perimeter of a log deck.
    b. "Waste Piles" include windrows, fills, or dikes of woodwaste wherein visually identifiable material of woody origin may be found at depths greater than one foot below the surface.
    c. "Waste Storage" occurs whenever a waste pile remains on the property more than 180 days.
    d. "Waste Treatment" includes burning of waste piles.

D. SPECIFICATIONS

1. Carbon units associated with the “Funnel and Gate” groundwater treatment system shall be maintained to prevent carbon break through.Consideration of the loading rates of constituents of concern and naturally occurring chemicals shall be included as part of the maintenance of the carbon units.

2. Replacement of carbon filters from the "Funnel and Gate" groundwater treatment system shall be in accordance with documents described in Geraghty and Miller's letter dated February 8, 1995.

E. PROVISIONS

1. The permittee shall not cause the concentration of any constituent of concern associated with the site to exceed its respective concentration limit in any monitoring well located downgradient of the "Funnel and Gate" groundwater treatment system, and shall file a report of any exceedances within 30 days of determining the exceedance. Data analysis will be performed in accordance with the approved Monitoring and Reporting Order.

2. The natural attenuation of in-situ groundwater underlying the sawmill shall restore the beneficial uses of groundwater in a reasonable time, and the permittee shall prepare and submit to the Executive Officer an annual assessment report on the degradation of constituents of concern by natural attenuation. This report shall be submitted by January 30 of each year.

3. The beneficial uses of off-site groundwater west of the sawmill shall not be threatened or impaired by discharges associated with sawmill operations or groundwater cleanup.

4. Duty to Comply

   The permittee must comply with all of the conditions of this Permit. Any permit noncompliance constitutes a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. [40 CFR 122.41(a)]

   The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Permit has not yet been modified to incorporate the requirement. [40CFR 122.41(a)(1)]

5. Duty to Reapply

   This Permit expires on September 22, 2005. If the permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the permittee must apply for and obtain a new Permit. The application, including a report of waste discharge in accordance with Title 23, California Code of Regulations must be received by the Regional Water Board no later than March 22, 2005 [40 CFR 122.41(b)]

The Regional Administrator of the U.S. EPA may grant permission to submit an application at a later date prior to the Permit expiration date; and the Regional Administrator of the U.S. EPA may grant permission to submit the information required by paragraphs(g)(7), (9), and (10) of 40 CFR 122.21 after the Permit expiration date. [40 CFR 122.21(d)(2)]

6. Need to Halt or Reduce Activity Not a Defense

   It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit. [40 CFR 122.41(c)]

7. Duty to Mitigate

   The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit which has a reasonable likelihood of adversely affecting human health or the environment. [40 CFR 122.41(d)]

8. Proper Operation and Maintenance

   The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with this Permit. Proper operation and maintenance includes adequate laboratory control and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a permittee only when necessary to achieve compliance with the conditions of this Permit. [40 CFR 122.41(e)]

9. Permit Actions

   This Permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

   a. Violation of any terms or conditions of this Permit; or
   b. Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts; or
   c. A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or
   d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this Permit, this Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee so notified. [40CFR 122.44(b)]

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. [40 CFR 122.41 (f)]

10. Property Rights

This Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. [40 CFR 122.41(g)]

11. Duty to Provide Information

The permittee shall furnish the Regional Water Board, State Water Board, or U.S. EPA, within a reasonable time, any information which the Regional Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit or to determine compliance with this Permit. The permittee shall also furnish to the Regional Water Board, upon request, copies of records required to be kept by this Permit. [40 CFR 122.41(h)]

The permittee shall conduct analysis on any sample provided by U.S. EPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to U.S. EPA's DMQA manager.

12. Inspection and Entry

The permittee shall allow the Regional Water Board, State Water Board, U.S. EPA, and/or other authorized representatives upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Permit;
b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any locations. [40 CFR 122.41(i)]

13. Monitoring and Records

a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
b. The permittee shall calibrate and perform maintenance procedures in accordance with manufacturer's specifications on all monitoring instruments and equipment to ensure accurate measurements. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Water Board, State Water Board, or U.S. EPA at any time. All monitoring instruments and devices used by the permittee to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, at least annually to ensure their continued accuracy.
c. Records of monitoring information shall include:

    i. The date, exact place, and time of sampling or measurements;
    ii. The individual(s) who performed the sampling or measurements;
    iii. The date(s) analyses were performed;
    iv. The individual(s) who performed the analyses;
    v. The analytical techniques or methods used;
    vi. The results of such analyses;
    vii. The method detection limit (MDL); and
    viii. The practical quantitation level (PQL) or the limit of quantitation (LOQ).

d. Unless otherwise noted, all sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All analyses must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Permit or approved by the Executive Officer of the Regional Water Board. Unless otherwise specified, all metals shall be reported as total metals. Test fish for

bioassays and test temperatures shall be specified by the Executive Officer of the Regional Water Board. Bioassays shall be performed in accordance with guidelines approved by the Regional Water Board and the Department of Fish and Game.

14. Signatory Requirements

a. All permit applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed by a responsible corporate officer. For purposes of this provision, a responsible corporate officer means:

i. a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
ii. the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. Reports required by this Permit, other information requested by the Regional Water Board, State Water Board, or U.S. EPA, and permit applications submitted for Group II storm water discharges under 40 CFR 122.26(b)(3) may be signed by a duly authorized representative provided:

i. the authorization is made in writing by a person described in paragraph (a) of this provision;
ii. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
iii. the written authorization is submitted to the Regional Water Board prior to or together with any reports, information, or applications signed by the authorized representative. [40 CFR 122.22(b)(c)]

c. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system

designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [40 CFR 122.22(d)]

15. Reporting Requirements

a. Planned changes: The permittee shall give notice to the Regional Water Board as soon as possible of any planned physical alteration or additions to the permitted facility. Notice is required under this provision only when:

   i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
   ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are submitted neither to effluent limitations in the permit, nor the notification requirements under Provision 15 (g).

b. Anticipated noncompliance: The permittee will give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
c. Transfers: This Permit is not transferable.
d. Definitions: The following definitions shall apply unless specified in this Permit;

   i. "Daily Discharge" means the discharge of a pollutant measured during a calendar day of any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" shall be the concentrations of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during the sampling day.
   ii. "Daily Average" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar

month divided by the number of "daily discharges" measured during that month.

iii. "Daily Maximum" discharge limitations means that highest allowable "daily discharge" during the calendar month.

e. Monitoring reports: Monitoring results shall be reported at the intervals specified in the monitoring and reporting program. By January 30 of each year, the permittee shall submit an annual report to the Regional Water Board. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the permittee shall discuss the compliance record and the corrective actions taken or planned which may be needed to bring the discharge into full compliance with the permit. If the permittee monitors any pollutant more frequently than required by this Permit, using test procedures approved under 40 CFR Part 136 or as specified in this Permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the monitoring reports.

f. Compliance schedules: Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted not later than 14 days following each schedule date.

g. Noncompliance reporting: The permittee shall report any noncompliance at the time monitoring reports are submitted. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.

The following events shall be reported orally as soon as the permittee becomes aware of the circumstances, and the written report shall be provided within five days of that time.

i. Any unanticipated bypass that violates any prohibition or exceeds any effluent limitation in this Permit.
ii. Any upset that exceeds any effluent limitation in this Permit.
iii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Water Board in this Permit.
iv. Any noncompliance that may endanger health or the environment.

The Executive Officer may waive the above-required written report.

h. Other information: Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, the permittee shall promptly submit such facts or information. [40 CFR 122.41(1)]

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16. Enforcement

The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed $25,000 per day of violation. Any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to the fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment of not more than one year, or both. Higher penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the Clean Water Act.

17. Existing Manufacturing, Commercial, Mining, and Silvicultural Permittees

All existing manufacturing, commercial, mining, and silvicultural permittees must notify the Regional Water Board as soon as they know or have reason to believe that any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Permit, if that discharge will exceed one hundred micrograms per liter (100 µg/L). [40 CFR 122.42(a)(2)]

18. Availability

A copy of this Permit shall be maintained at the discharge facility and be available at all times to operating personnel.

19. Change in Discharge

In the event of a material change in the character, location, or volume of a discharge, (including any point or nonpoint discharge to land or groundwater) the permittee shall file with this Regional Water Board a new report of waste discharge at least 180 days before making any such change. [CWC Section 13376] A material change includes, but is not limited to, the following:

a. Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.

b. Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.
c. Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area, significantly removed from the original area, potentially causing different water quality or nuisance problems.
d. Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23, Section 2210]

20. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

21. Monitoring

The Regional Water Board or State Water Board may require the permittee to establish and maintain records, make reports, install, use, and maintain monitoring equipment or methods (including where appropriate biological monitoring methods), sample effluent as prescribed, and provide other information as may be reasonably required. [CWC Section 13267 and 13383]

The permittee must comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2000-70 and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Permit and incorporated herein. The permittee shall file with the Regional Water Board technical reports on self monitoring work performed according to the detailed specifications contained in any monitoring and report program as directed by the Regional Water Board.

Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event a certified laboratory is not available to the permittee, analyses performed by a noncertified laboratory will be accepted provided a quality assurance/quality control program is instituted by the laboratory, and a manual containing the steps followed in this program is kept in the laboratory and made available for inspection by staff of the Regional Water Board. The quality assurance/quality control program must conform to U.S. EPA or State Department of Health Services guidelines.

All Discharge Monitoring Reports shall be sent to:

California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

U.S. EPA, Region 9 (WTR-7)
75 Hawthorne Street
San Francisco, CA 94105

22. Storm water discharges permitted by this Order shall be managed by implementation of the Storm Water Pollution Prevention Plan (SWPPP) described in Finding 11 of this Order. The SWPPP shall be revised as necessary to reflect changes in site characteristics which affect storm water runoff as well as changes in Best Management Practices (BMPs). All revisions shall be submitted to the Regional Board and certified in accordance with Provision 14 of this Order. The SWPPP is considered a report which is available to the public under Section 308 (b) of the Clean Water Act.

23. The permittee must prevent pollutants associated with industrial activity in storm water discharges through implementation of Best Available Technology Economically Achievable (BAT) for toxic and non-conventional pollutants and Best Conventional Pollutant Control Technology (BCT) for conventional pollutants. Development and implementation of a SWPPP, which includes Best Management Practices that achieve BAT/BCT, constitutes compliance with this requirement.

Certification

I, Lee A. Michlin, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy on an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on September 22, 2000.

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Lee A. Michlin
Executive Officer